

**CITY OF EL PASO  
BUILDING & STANDARDS COMMISSION BOARD PANEL "A"  
SEPTEMBER 30, 2015  
5:30 P.M.**

**MINUTES**

The Building & Standards Commission Panel "A" held a public hearing at the El Paso City Council Chambers, Wednesday, March 25, 2015 at 5:30 p.m. with the following members present:

**Board Members Present:**

Jesse A. Sanchez  
Chuck Taylor 5:34 p.m.  
Al Jurado (Alternate)  
Sam Guido  
Teresa Munoz  
Conrad Conde (alternate)

**Others Present:**

Ron Roth, Chief Building Inspector  
Wendi Vineyard, Assistant City Attorney  
Salvador Reyes, Building Inspector  
Nellie Avalos, Building Inspector  
Nancy Spencer, Recording Secretary

**AGENDA**

**I. Call to Order**

The meeting was called to order by Chairman Jesse A. Sanchez at 5:32 p.m.

Witnesses giving testimony on cases to be heard at this meeting were sworn in.

**II. Approval of the July 29, 2015 minutes**

**Motion made by Al Jurado, seconded by Armando Jimarez to approve the July 29, 2015 minutes, unanimously passed.**

**III. Approval of the 2016 Building and Standards Commission meeting calendar dates**

**Motion made by Conrad Conde, seconded by Armando Jimarez to approve the 2016 Building and Standards Commission meeting calendar dates, unanimously passed.**

Chairman Jesse Sanchez asked for an update on cases previously heard;

Chief Building Inspector Ron Roth advised that the update on the cases previously heard were not available but would obtain the information requested and present it to the commission.

**Regular Items:**

- I. Public hearing to determine if the Building and Standards Commission Order for the property located at 548 Center Way in the City of El Paso (legal description on file with the City Clerk) is in compliance with the orders of July 29, 2015 .and if not, to determine what action to be taken on the non-compliance of the orders. On July 29, 2015, the Building and Standards Commission ordered that the owners to board and secure the main front dwelling within thirty (30) days and submit an structural engineer's report within sixty (60) days of July 29, 2015 and submit a financial responsibility letter and cost report within sixty (60) days. The owners of the property are identified as Apolonia Keese and Martha Gonzalez (record owner(s), and

they have been notified of this hearing.

Ron Roth, Chief Building Inspector introduced the case to the commission.

Salvador Reyes, Building Inspector presented the case and gave a brief chronology on the history of the property and the condition that it was found in. .

Presentation of pictures and conditions of the property were shown to the board.

Chairman Jesse Sanchez asked the commission if they had questions regarding this case. He also asked if the owner or anyone else was present for public comment or to speak on behalf of the property owner.

Sal Varela, representing the owners was present for public comment. Owners Martha Gonzalez and Sandra Lagarda were also present.

Mr. Varela advised that the property has been cleaned and boarded up and safe. In addition, the sheetrock was removed and the beams to the roof looked okay. The owners were in the process of obtaining an engineering report. Mr. Varela added that there were only 3-4 engineers that deal with residential properties.. A visual walk thru was conducted and advised the property can be salvageable. Mr. Varela advised that Mr. Roth requested an engineer's report and so more time was needed in order to obtain the report and to also submit a report of what work needed to be done to rehabilitate the property. Mr Varela informed the commission that he had pictures of the interior of the property.

Chairman Sanchez asked again if Mr. Varela was related to the owners. Mr. Varela advised that he was a friend trying to help the owners.

Chairman Sanchez advised Mr. Varela that they were to present engineer's report and cost estimate report at this meeting. Mr. Varela advised that he did a cost analysis of work to be done and brought a letter showing the cost of the work and that he would take financial responsibility for the work. The only document not available for the commission was the engineer's report. Chairman Sanchez asked when was contact made with the engineer and was advised approximately three weeks ago. Mr. Sanchez asked why did they wait five weeks to contact an engineer and Mr. Varela advised that he removed the foundation to check the walls and questioned why a structural engineer was needed to check the structure.

There was further discussion on Inspector Salvador Reyes visual inspection of the structural part of the property. Pictures taken by Mr. Varela were presented to commission.

Chairman Sanchez asked Inspector Reyes if he agreed with Mr. Varelas explanation of the walls and Inspector Reyes advised he could not tell. Chief Building Inspector Roth advised they were requesting engineering report stating what structural condition the property was in. Mr. Varela was asked when would the engineer's report be ready. And he advised in about a week. Mr. Sanchez advised that the cost would be higher for restructuring the property than rehabilitation. Mr. Varela advised that owners were attempting to fix walls but person hired originally to repair, took their money and did not do work.

Mr. Sanchez advised Mr. Varela that the owners had 60 days to do comply with the orders. Mr. Varela advised he disagreed and that a lot of work has been done, removing foundation, resetting the toilet and cleaning and securing the property. The commission was informed that the daughter of one of the owners is living in back apartment and is there at all times which

prevents vandalism and break in. Mr. Sanchez advised the engineer needs to evaluate the structure before removal of the sheetrock. Mr. Varela advised he did the removal so that the engineer could see the beams.

Board member Conrad Conde left at 6:02 p.m.; quorum still was complete.

Inspector Reyes was asked if the property was secured and he advised yes.

Board member Al Jurado asked Mr. Varela that if property can be rehabilitated why delayed in obtaining the engineer report. Mr. Varela advised Inspector Reyes only saw the front portion of the property. After speaking with Mr. Roth, he contacted the engineer to obtain an engineer's report. Mr. Jurado questioned the fact that they waited 6 weeks.

Mr. Varela advised that he does this type of work only on a part time basis.

There was further discussion on the fact that the engineer's report was not submitted as requested and the work needed be done on the property.

Board member Teresa Munoz asked if the primary residence occupied and was advised it was not. The daughter still lives in one of the apartments and was unable to move because the husband is ill and they could not afford to move.

Board member Chuck Taylor stated looking at order and pictures, there was insufficient information to determine if attention has been made to correct the problem. Mr. Taylor stated he could not see that the criteria of order has been met. Mr. Varela advised that he did minimal work that did not require permits but needed more time to submit the engineer's report.

Board member Armando Jimarez asked if an additional 30 days was granted what would be brought to commission. Mr. Varela stated he would be fix windows, paint, repair the leaks on roof, replace the dividing walls in house including the exterior wall and clean outside,

Chairman Sanchez asked if this panel met in 60 days. Chief Building Inspector Roth advised yes it would.

**Motion made by Al Jurado seconded by Teresa Munoz to accept staff recommendations, passed. Board member Sam Guido voted against motion.**

The owners have been notified of the violations at this property, and have received a copy of the Building and Standards Commission order dated July 29, 2015 of the need to board and secure the main front dwelling unit within thirty (30) days, submit an structural engineer's report within sixty (60) days and submit a financial responsibility letter and cost report within sixty (60) days of July 29, 2015. To date the engineer's report or the financial responsibility letter have not been submitted, therefore the department recommends that it be found:

1. That the structure and both apartments be condemned as substandard and unfit for habitation or use and a hazard to the public health, safety, and welfare.
2. That the structure and both apartments are not in substantial compliance with the municipal ordinances regulating fire protection, structural integrity, and disposal of refuse.
3. That the Certificate of Occupancy be revoked; and
4. That the structure and both apartments cannot be rehabilitated; and

5. That the property be vacated within 30 days; and
6. That the structure and both apartments be demolished within 30 days;
7. That the premises be cleaned within 30 days & maintained clean thereafter.
8. That upon failure by the owners or any other interested party to comply with the order of the Building and Standards Commission, the City may take whatever action is necessary to bring the property into compliance, and place a lien on the property for the work which will be done by the City

Mr. Varela questioned the decision to demolish the property. Chairman Sanchez asked about appeal process. Assistant City Attorney Wendi Vineyard advised the appeal process is stated in the final orders.

- II. Public hearing to determine if the property located at 437 De Leon Drive, in the City of El Paso, is a dangerous structure and to determine if the owners will be ordered to secure, repair, remove or demolish the property. The owners of this property are identified as Miguel F. Avina and Lilia E. Avina (record owner(s), and they have been notified of this hearing.

Ron Roth, Chief Building Inspector introduced the case to the commission.

Nellie Avalos Building Inspector presented the case and gave a brief chronology on the history of the property and the condition that it was found in. .

Presentation of pictures and conditions of the property were shown to the board.

Chairman Jesse Sanchez asked the commission if they had questions regarding this case. He also asked if the owner or anyone else was present for public comment or to speak on behalf of the property owner.

Chief Building Inspector Ron Roth advised that an email was received from the daughter of the owner but was unknown if she had power of attorney. Mr. Roth suggested giving the owner 60 days rather than 30 days to secure the property.

Chairman Sanchez asked Mr. Roth if the owner's daughter knew that case was being presented today. Inspector Nellie Avalos advised that the police was there in November, 2014. At that point police locked the door. Chains were on the door and gate go but now the locks are gone and the windows are open.

Board member Sam Guido asked since the police went in November have there been changes to the property. Inspector Avalos advised that when it rains, water goes into the property and now there is an alga and everything is still the same now as it was then.

Chairman Sanchez asked what can be done in 60 days to secure the property. Board member Armando Jimarez asked if the owner can secure the property within 30 days. There was discussion on what can be done on the vandalism and the property being a hazard. Leslie Canada, Community Coordinator for the El Paso Police Department advised that she will refer this property to the Community Services Division of this area. They can put a code watch, check on the neighborhood and see if someone is watching the house. They can also email the property owner and prepare prosecution forms for trespassing.

There was further discussion on the accumulation of damage on the property and that with time the infrastructure will be affected which can become a safety issue.

Board member Al Jurado recommended an additional 60 days. Mr. Ron advised extra time was needed to secure proper representation on the property. It was suggested granting 30 days to clean the property, take care of the water penetration on the property with an extra 30 days to return and provide evidence that they are working on the property.

Board member Charles Taylor requested again to repeat the recommendations and was advised 30 days to secure property, and 60 days to return and provide information if the property has been brought into compliance. Inspector Nellie Avalos would return in 60 days to present the case again.

Chairman Sanchez advised to approve the recommendations with the exception of item 3. Board member Armando Jimarez recommended keeping the certificate of occupancy to allow the owner that there is intent to take care of the property. Return at the next meeting and advise the board what has been done on the property. Board member Sam Guido advised the owner or representatives are not here to defend themselves and they should be allowed the benefit of doubt until the next meeting.

**Motion made by Teresa Munoz seconded by Sam Guido to accept staff recommendations with the exception of Item 3, unanimously passed.**

The owners have been notified of the property violations at this property. To date there has been little or no response or corrective action taken, and therefore the Department recommends that it be found:

1. That the structure is substandard and unfit for habitation or use and a hazard to the public health, safety, and welfare; and
2. That the structure is not in substantial compliance with the municipal ordinances regulating structural or service systems integrity, fire protection and disposal of refuse; and
3. That the structure can be rehabilitated; and
4. That the structure be secured within thirty (30) days and remain secure thereafter; and
5. That the owners return in sixty (60) days or the next Building Standards Commission meeting held by this panel to provide intent of occupancy and use of the structure; and
6. That the premises be cleaned of all weeds, trash, and debris within thirty (30) days and maintained clean thereafter; and
7. That upon failure by the owners or any other interested party to comply with the order of the Building and Standards Commission, the City may take whatever action is necessary to bring the property into compliance, and place a lien on the property for the work which will be done by the City.

#### **IV. Update(s)**

Chief Building Inspector Ron Roth provided updates on the following properties; 2 San Marcos, the utilities have been removed, letter to be sent out and will be demolished by the city; 223 Mango, the owner has secured and cleaned the property, 200 Everest, this property is still involved in the divorce proceedings between owners and 548 Center Way was heard tonight at this meeting

#### **V. Adjournment**

**Motion made by Taylor seconded by Munoz to adjourn the meeting was unanimously carried. The meeting adjourned at 6:51 p.m.**

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Chairman Jesse A. Sanchez

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Ron Roth  
Chief Building Inspector, CBO